UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1991/64
23 September 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-third session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Letter dated 29 August 1991 from the Ambassador of the Government of Papua New Guinea to Belgium and the European Community addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

1. The Government of Papua New Guinea welcomes this opportunity to present to the Sub-Commission on Prevention of Discrimination and Protection of Minorities its position on the Bougainville crisis.

2. At the outset, we wish to reaffirm that Bougainville is an integral part of Papua New Guinea.

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3. It may seem that Papua New Guinea is moving against the euphoria generated by democratic and independence movements now holding centre stage in international geopolitics and in view of what the Sub-Commission may have been led to believe by the representatives of the Bougainville rebels. However, the Government of Papua New Guinea wishes to put before this Sub-Commission, the need for the Sub-Commission to distinguish clearly the historical facts and current political forces underlying the Bougainville crisis, as against what is now transpiring in the Soviet Union and in Eastern European countries.

4. In pre-colonial times, Bougainville was never ruled by a single chief. It was like any other province in Papua New Guinea, a country with many tribes and language groups, each having its chiefs and tribal laws and customs. The people of Bougainville were not a cohesive indigenous people or a single entity and were not marginalized by an independent sovereign Papua New Guinea.

5. The question of secession was settled when Bougainville became one of the 19 administrative units, on the adoption of a system of provincial governments under an indigenous administration.

6. The record of the Government in its handling of secessionist sentiments in Papua New Guinea is one of which we are proud. Far from what you have been led to believe by the representatives of the rebels, the Government of Papua New Guinea has been very patient and has not been oppressive. The Government has continued, to this day, to seek a peaceful resolution through negotiations.

7. The Sub-Commission is urged to clearly distinguish between actions by the Government of Papua New Guinea in response to actions of secessionist rebels, which constitute matters of law and the protection of the sovereign integrity of a nation, as against actions which constitute political suppression.

8. On the first occasion in 1974-1975 when Bougainville secessionists moved to secede from Papua New Guinea, the Government had resort to lengthy negotiations resulting in agreement to the demands of the secessionists for greater power sharing through decentralization and better distribution of the benefits of the mine project in the form of royalties and development infrastructure for Bougainville.

9. No force was used on that first occasion in 1974-1975. The current crisis has developed into armed confrontations from time to time between the rebels and the security forces of the Government of Papua New Guinea. Such armed confrontations began because the Government deployed security forces to Bougainville as a respone to the armed aggression of the rebels, their destruction of property and increasing terrorization and killing of Bougainvilleans themselves.

10. The procrastinations and vicissitudes of the rebel leaders, whose following has dramatically declined recently, have led to unnecessary suffering for the people of Bougainville. Increasingly now, the Bourgainvilleans desire a faster flow of goods and services from the national Government and the re-establishment of legal authority on the island.

11. On 16 September 1975, Papua New Guinea achieved independence, with Bougainville a part of the newly independent sovereign nation. Bougainville was not and has never been annexed or taken from an alien power or territory.

12. In 1978, secession was again discussed. Mr. John Bika, provincial Minister for Commerce, North Solomons Provincial Government, was appointed to head a select committee on constitutional developments in Bougainville. Mr. Bika filed a report to the North Solomons Provincial Government Assembly, whose members had been freely elected by the people on a free franchise. The Assembly unanimously accepted his report, rejected secession and opted for greater decentralized powers. We wish the Sub-Commission to note that all this was achieved without any interference whatsoever from the national Government. Mr. Bika was assassinated by the militants in 1988, probably for the findings in his report and for reasons known only to them.

13. Historically, Bougainville was a part of the Trust Territory of New Guinea administered by Australia under the United Nations mandate. Accordingly, there is no legal or historical basis whatsoever for the militants' claim to independence.

14. Furthermore, the militants have no legal or moral basis or legitimacy to speak for the whole of Bougainville. None of them have been elected by a popular vote to press or fight for independence. Mr. Kabui, Mr. Miriori and Mr. Ona are close relatives. All of them are from the villages affected by the Panguna copper mine. Mr. Sam Kauona is also from the central Bougainville area. He formed and led the Bougainville Revolutionary Army when his brother was killed at the height of the crisis in 1989. Mr. Kabui and his band of militants have caused more harm and damage to the innocent people of Bougainville than they would care to admit. They have caused irreparable damage to the economy of Papua New Guinea and laid Bougainville to complete ruin.

15. Mr. Kabui, a former seminarian, accuses Papua New Guinea of human rights violations. He chooses to forget the atrocities and vicious attacks by the militants against innocent lives on Bougainville. Mr. Kabui does not even have the decency to admit that his militants have committed atrocities such as rape, violent attacks on innocent persons, destruction of property, armed robbery and stealing, intimidation by force, trickery and deception. A few illustrations will prove the point. The militants carried out summary excecutions on Mr. John Bika, the Provincial Minister for Commerce; Mr. Joel Naisi, Cocoa Board Chairman and Accountant; Messrs Peter Sissiou and James Iroro, two senior civil servants; Mr. Matthew Kove, Ona's uncle; Mr Patrick; Mr. Peter Kaipas; and others.

16. Last year, both the Foreign Minister, Sir Michael Somare, and the Attorney General and Justice Minister, Mr. Bernard Narakobi, offered to invite a team from the International Commission of Jurists to make objective assessment of human rights violations by any persons or group on Bougainville during the talks leading to the signing of the Endeavour Accord. Mr. Kabui did not accept the invitation. He clearly had atrocities to hide.

17. The national Government of Papua New Guinea has repeatedly stated that it stands ready to make good any violations of human rights where the courts of law determine that such violations have been committed. The Government has taken a further step. Last week, the Attorney General announced the preparation of terms of reference for a coroner's inquest into all deaths of Bougainville people during the period of the crisis.

18. The so-called Bougainville Revolutionary Army is not a passive, non-violent peace-loving democratic organization, as claimed by Mr. Kabui. Rather, it is a militant insurgent, illegal and violent organization, committed to and bent on the use of violence to achieve the destruction of a free, democratic and independent Papua New Guinea. The Bougainville Revolutionary Army has neither the democratic legitimacy nor any degree or respectability to establish any degree of legitimate authority on Bougainville.

19. The people of Buka, Nissan and the adjacent islands completely rejected secession in a memorandum of understanding signed between the Buka chiefs and the national Government in September 1990 at Kavieng. This has enabled the Government to restore and maintain essential government services to these islands. The creation of the Buka Liberation Front on Buka is a clear rejection of Mr. Kabui and the reign of terror perpetrated by the rebels. Other parts of Bougainville would do the same, but for the militants' vicious attacks on those who oppose them.

20. The Government always acknowledged the harmful effects of an open-cut mine, such as the Panguna mine. The Government also acknowledged that the landowners did not receive adequate benefits from the mine exploitation. But, the fact is that the North Solomons Provincial Government did receive its share of royalties.

21. Bougainville, unlike most other provinces, was, in spite of the problem, on the way to becoming a well-off, progressive province, with the largest budget of any provincial government throughout Papua New Guinea. The bulk of this provincial budget came from the royalties of the Panguna mine. During Mr. Kabui's term of office as premier of the province, he ignored and failed to serve the true interests of the landowners. This resulted in open conflict between the young and old landowners. Kabui's leadership did not attend to the situation, so it spilled over into the province and the nation.

22. The security forces of Papua New Guinea have the legal, constitutional and moral duty and the right to be on the island of Bougainville. The security forces were never defeated. On the contrary, they were specifically restricted by the Government to defensive and protective roles and, now, to the restoration of goods and services.

23. Since the withdrawal of the security forces, the Bougainville Revolutionary Army has lost its legitimacy and its claim of self-defence. Even after the withdrawal of the defence force personnel, the militants continued their violent attacks and murdered a policeman. Under the withdrawal agreement, observed by personnel of the Commonwealth secretariat. The militants were to surrender weapons, which were then to be destroyed. This never occurred. The militants handed in a handful of home-made weapons, which they picked up again and used as soon as the Commonwealth secretariat personnel left Bougainville.

24. The Government of Papua New Guinea has been extremely fair, tolerant and understanding. It continues to persevere in its attempt to bring about a peaceful resolution of the crisis. The Government has always gone to the negotiation table with an open mind and listening ears. It has given assistance to Bougainville where this has been possible and allowed international aid organizations to give humanitarian assistance. It is the militants who have been deceptive and double tongued. The Government is willing to forgive and forget and build together a new and stronger future. But the militants insist on secession and division, using racism as the basis for the creation of a new State.

25. No nation can ever stand on racism alone as its basis for nationhood. There is no other cultural or historical basis for an independent Bougainville. Many States in Africa, Asia and the Pacific are mere colonial creations. Papua New Guinea is no exception. Most newly independent States have found it absolutely necessary to maintain the colonial boundaries. Any attempts to redraw boundaries always lead to revolutions, bloodshed and destruction. If this argument is pursued to its logical conclusion, Papua New Guinea will be diminished to 800 linguistic and ethnic groupings.

26. Any sovereign State has absolute power to defend its sovereign territory and integrity against internal or external threats. As long as the militants continue to pursue their secessionist goals, peace and security in this region will continue to be threatened. In this regard, the State may use such measures as it determines necessary to maintain peace, unity and territorial integrity.

27. The Government has indicated its willingness to grant greater autonomy to Bougainville, within the context of a united Papua New Guinea. The Government has also indicated its willingness to increase the level of benefits flowing to the landowners from the mine development and to seek international assistance to address the environmental issues.

28. Papua New Guinea is a nation of many tribes, languages and ethnic groupings. We have as many as 800 languages. No one ethnic or tribal grouping dominates government or power in Papua New Guinea. This is the unique development challenge with which our nation is faced. Bougainville is not a tribe, nor does it constitute a linguistic or cultural entity. In this regard, all of Papua New Guinea is a nation of indigenous minorities. We have come together as a free, united and independent nation with one central Government, but also a system of provincial governments, allowing for our rich diversity.

29. It is in the interest of regional security and national prosperity that no false hopes are held out to militant elements. All available evidence shows that the national Government's patience and determination to avoid confrontation has led to hardships. The militants have caused severe suffering to the people of Bougainville through their uncompromising commitments to anarchy, racism and violence.

30. As mentioned earlier, Papua New Guinea has many customs and languages. According to the custom of Mr. Kabui's Nasioi people, the land-owning unit is based on matrilineal descent. Women clan members have the legal right to speak on land issues. Neither Mr. Kabui, Mr. Ona nor Mr. Kauona have the customary legal legitimacy even to speak for the landowners.

31. Mr. Kabui and Mr. Ona have refused to honour the Honiara Declaration which Mr. Kabui signed. In particular, they have refused to cooperate in setting up an interim legal authority, as agreed to at Honiara. A multinational supervisory team cannot be assembled until Mr. Kabui agrees to cooperate with the Government in setting up the interim legal authority. Simply put, no foreign personnel will go to Bougainville unless they know who they will report to and are sure of their safety.

32. Let it be made clear once more. The security forces of Papua New Guinea were never defeated because Papua New Guinea did not go to fight a war against Bougainville. The militants waged a war against the security forces, which were, and are now, discharging their constitutional duty to protect lives and property on Bougainville. Indeed, their current presence on Bougainville is a direct response to requests from chiefs in Buka as well as the northern part of mainland Bougainville. The withdrawal in 1990 was effected at the request of the militants to pave the way for peaceful talks and a non-violent settlement of the conflict. The result of the withdrawal is that the innocent women and children and old people of Bougainville are the biggest losers. Contrary to the claim by the Bougainville Revolutionary Army, no one is the winner.

33. Papua New Guinea has demonstrated its capacity to withstand the continued closure of the Panguna mine. It evidently can live without the Panguna mine. But Bougainville will continue to suffer, unless Mr. Kabui can persuade the militants to come to the negotiating table with an open heart to heal the hurts of the past, and find a new future and a new hope within the framework of a united Papua New Guinea.

34. Any heed, direct or indirect the Sub-Commission gives to the illegal activities of Mr. Kabui and the rebels will contribute to the confusion and suffering of the people of North Solomons (Bougainville) Province and Papua New Guinea. Furthermore, it will not assist the national Government's efforts to restore services, restore legitimate authority and rehabilitate the whole province.

35. It is the fervent hope and sincere request of the Government and people of Papua New Guinea that the Sub-Commission and other international agencies will allow the legitimate and democratic Government of Papua New Guinea to deal with the Bougainville crisis through the processes already set in train. Bougainville will continue to remain an integral part of Papua New Guinea so the issue is an internal matter for my Government to resolve.

36. In conclusion, I put before the Sub-Commission a summary of the key points of the position of the Government of Papua New Guinea in respect of the Bougainville crisis:

(i) Papua New Guinea reaffirms that Bougainville is an integral part of Papua New Guinea.

(ii) The Government of Papua New Guinea is not an oppressive Government. Our track record of adherence to basic human rights since our country attained independence is open for examination by any international body competent in such matters.

(iii) The Government of Papua New Guinea urges the Sub-Commission not to associate the Bougainville crisis with the historical events and developments taking shape in the Soviet Union and the east European countries, for the reasons outlined in this statement, in particular as summarized in (i) above.

(iv) Papua New Guinea consists of 800 linguistic and ethnic groupings and, more particularly, no one single linguistic and ethnic grouping can rightly claim dominance over others in the political and economic life of our country. We are a nation of indigenous minorities, duly constituted through democratic processes as a sovereign independent nation. The Government of Papua New Guinea is committed to maintaining and protecting the sovereign integrity of Papua New Guinea.

(v) We are proud of our record in meeting the challenges of democracy in diversity. Decentralization, the renegotiation of the Bougainville mining agreement in 1972, and the robust judiciary, all attest to our commitment to respect for human rights and the maintenance of democracy.